



Each regulatory agency of California government hears from those trades or industries it respectively affects. Usually organized through various trade associations, professional lobbyists regularly formulate positions, draft legislation and proposed rules, and provide information as part of an ongoing agency relationship. These groups usually focus on the particular agency overseeing a major aspect of their business. The current activities of these groups are reviewed as a part of the summary discussion of each agency, *infra*.

There are, in addition, a number of organizations which do not represent a profit-stake interest in regulatory policies. These organizations advocate more diffuse interests—the taxpayer, small business owner, consumer, environment, future. The growth of regulatory government has led some of these latter groups to become advocates before the regulatory agencies of California, often before more than one agency and usually on a sporadic basis.

Public interest organizations vary in ideology from the Pacific Legal Foundation to Campaign California. What follows are brief descriptions of the current projects of these separate and diverse groups. The staff of the Center for Public Interest Law has surveyed approximately 200 such groups in California, directly contacting most of them. The following brief descriptions are only intended to summarize their activities and plans with respect to the various regulatory agencies in California.

ACCESS TO JUSTICE FOUNDATION

P.O. Box 1736
Santa Monica, CA 90406
(213) 395-7622

Access to Justice Foundation (AJF) is a nonprofit, nonpartisan citizen advocacy organization established to inform the public about the operation of the legal system; provide independent, objective research on the protection accorded citizens by laws; and guarantee citizens of California access to a fair and efficient system of justice.

AJF publishes a bimonthly report, *Citizens Alliance*, on citizens' rights issues and actions at the local, state, and federal levels. Legislative, judicial, and administrative activities which impact on the public justice system and the exercise of citizens' rights are a major focus of the organization's research and educa-

tional activities. AJF is funded by grants and individual memberships.

MAJOR PROJECTS:

On May 18, AJF and its campaign committee—the Voter Revolt to Cut Insurance Rates—submitted more than 577,000 signatures in support of its insurance reform measure. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 13 and Vol. 8, No. 1 (Winter 1988) p. 17 for background information on the initiative.) Within hours, the insurance industry (Zenith, State Farm, and Trans-America insurance companies) filed a lawsuit to keep the initiative off the November ballot. The lawsuit alleges that Voter Revolt's measure violates a constitutional ban on addressing more than one issue in an initiative.

Voter Revolt claims that passage of its initiative in November will save California consumers more than \$2.1 billion on their automobile insurance bills alone in 1989. The campaign stated that the Voter Revolt initiative is the only one of the several insurance reform initiative proposals which has been funded exclusively by citizen contributions.

On April 27, Voter Revolt asked Attorney General John Van de Kamp to investigate the California Trial Lawyers Association for allegedly attempting to sabotage Voter Revolt's signature drive by preventing the hiring of a signature gathering firm. At the time, Voter Revolt was having a problem obtaining a sufficient number of signatures to qualify the measure for the ballot. In a letter to the Attorney General, Voter Revolt intimated that the trial lawyers group had violated restraint of trade laws by a contractual agreement with a signature collection firm which prevented the firm from working for Voter Revolt.

AMERICAN LUNG ASSOCIATION OF CALIFORNIA

P.O. Box 7000-866
Redondo Beach, CA 90277
(213) 378-3950

The American Lung Association of California (ALAC) emphasizes the prevention and control of lung disease and the associated effects of air pollution. Any respiratory care legislative bill is of major concern. Similarly, the Association is concerned with the actions of the Air Resources Board and therefore monitors and testifies before that Board. The Association has extended the scope of

its concerns to encompass a wider range of issues pertaining to public health and environmental toxics generally.

MAJOR PROJECTS:

On May 2, tobacco tax initiative backers (including ALAC) submitted exactly 1,124,267 signatures to county registrars of voters. Supporters, known as the Coalition for a Healthy California, said a total of 654,000 bona fide signatures are required. The "Tobacco Tax and Health Protection Act of 1988" is expected to qualify for the November ballot, and would add 25 cents in taxes to each pack of cigarettes and varying taxes on other tobacco products sold in the state. The objective is to make tobacco products more expensive and thereby discourage consumption, especially by young people. The initiative would raise about \$650 million annually, to be used partially for treatment of illnesses associated with smoking, research into tobacco-related diseases, and anti-smoking education programs. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 24 and Vol. 8, No. 1 (Winter 1988) p. 22 for background information on the initiative.)

In early May, the federal Environmental Protection Agency (EPA) reported that progress in cleaning up the nation's air has been stalled in many areas. ALAC and other clean air advocates are citing the EPA study as leverage in lobbying Congress to renew and strengthen the federal Clean Air Act. Representative Henry A. Waxman (D-Los Angeles) noted the report confirms that more than 110 million Americans who live in cities are being forced to breathe unhealthy air.

According to the EPA report, the air in 68 regions does not meet federal standards on ozone, the principal component of smog, and more than a dozen areas which once met ozone standards now have unhealthy air. Los Angeles leads the list of the nation's worst ozone-polluted areas. Excessive ozone levels can cause lung damage and restrict breathing for children, the elderly, and those with lung problems.

With regard to carbon monoxide, 59 urban areas—including Los Angeles and parts of Orange County—continue to be plagued with unhealthy amounts of carbon monoxide. Los Angeles averaged more than 143 smoggy days per year over the past three years. High ozone levels caused 40 smoggy days in San Diego County last year, down from 90 days in 1978. San Diego County ranked



fourth (an improvement over last year's second ranking) in highest levels of ozone pollution of the 68 regions exceeding federal health standards.

An ALAC-backed bill to reduce smog in California was stalled in the state Senate Governmental Organization Committee on May 24 after a barrage of industry opposition. AB 2595 (Sher) was put off for a later hearing in the hope that opposing forces might reach a compromise. Many environmentalists and clean air groups view the Governmental Organization Committee as a cemetery for clean air proposals. AB 2595 would require the smoggiest regions of the state to reduce air pollution by 5% annually. The legislation would also empower local air quality districts to impose larger fines against polluters and broaden the district's legal authority to file civil and criminal actions against violators. Lobbyists for oil companies, utilities, and manufacturers claimed the bill would cost industry \$12 billion annually. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 13 for further information on AB 2595.)

NATIONAL AUDUBON SOCIETY
555 Audubon Place
Sacramento, CA 95825
(916) 481-5332

The National Audubon Society (NAS) has two priorities: the conservation of wildlife, including endangered species, and the conservation and wise use of water. The society works to establish and protect wildlife refuges, wilderness areas, and wild and scenic rivers. To achieve these goals, the society supports measures for the abatement and prevention of all forms of environmental pollution.

MAJOR PROJECTS:

NAS is engaged in an intense effort in Congress to prevent petroleum development of the coastal plain area of Alaska's Arctic National Wildlife Refuge. The U.S. Department of the Interior claims that the United States' national security depends on oil from the Refuge. Audubon, other environmental groups, and independent scientists believe there is only a 200-day national supply of oil reserves in the Refuge. Wildlife conservationists question the wisdom of turning over the Refuge for an alleged \$32 billion in oil industry profits on public resources, when 91% of the United States' known, easily recoverable oil reserves lie outside the Refuge and other protected

wilderness areas, and when the Reagan Administration has gutted federal energy conservation programs and refused to take simple conservation steps which will save more oil than ravaging the wilderness character of the Refuge will produce.

In the May 1988 issue of *Audubon* magazine, NAS calls for Congressional rejection of oil exploration and drilling in the Arctic National Wildlife Refuge, and urges development of a comprehensive national energy program which would emphasize energy-efficient appliance standards, oil-saving auto engines, reduced speed limits, and a thorough study of energy alternatives by an entity outside the government and oil industry (such as the National Academy of Sciences).

In June 1987, NAS President Peter Berle told the House Subcommittee on Water and Power Resources that the Reagan Administration's long-term energy plan had deteriorated to a policy of helping the ailing oil industry. NAS senior energy scientist Jan Beyea calculated that by improving the fuel efficiency of cars by 1.7 miles per gallon, the equivalent of three billion barrels of oil could be saved—oil which might be produced by the Arctic refuge over the next thirty years.

The Arctic National Wildlife Refuge was created by the Secretary of the Interior in 1960. In 1980, Congress passed the Alaska National Interest Lands Conservation Act, which doubled the size of the Refuge to about 19 million acres. Although much of the Refuge was declared wilderness area (where no development is permitted), 1.5 million acres of the coastal plain area were left out of the wilderness designation. Audubon considers this coastal plain area—which supports migrating caribou and snow geese—as the most important wildlife area in the entire Refuge. Congress was persuaded by oil industry lobbyists to delete the 1.5 million acres (known as Section 1002) from wilderness designation because it was of prime interest for oil development. A full resource assessment of Section 1002 was called for by Congress, including a comprehensive study by the U.S. Fish and Wildlife Service (USFWS), which submitted its draft report in November 1986. That report found that the coastal plain is not only a wilderness of international significance, but also a vital ecosystem for wildlife. Nevertheless, Interior proposed that Congress authorize the Secretary to lease the entire Section 1002 area for oil and gas exploration and development. A number of bills are currently

pending on oil development in the Refuge, including H.R. 39 by Representative Morris Udall (D-Arizona), which would designate the coastal plain area as wilderness. At this writing, NAS has not endorsed any legislation, and believes that the coastal plain should continue to be managed as wilderness, but not necessarily receive official wilderness designation. Several other environmental groups, including the Alaska Coalition (of which NAS is not a member), support H.R. 39.

In May, several environmental groups, two members of Congress, and the *New York Times* obtained through unofficial channels the full text of a draft report prepared by the USFWS on Alaska oil development. The report states that earlier oil development on the Alaskan North Slope has caused far more environmental damage than the government predicted. The report concludes that development projects have created substantial air and water pollution and destroyed significant amounts of wildlife habitat—over 11,000 acres have been lost. Most bird species in the area have declined, as have bears, wolves, and other animals. The report cites inadequate monitoring of environmental quality and lax enforcement of environmental laws. California Representative George Miller, chair of the House Subcommittee on Water and Power Resources, accused the Interior Department of deliberately suppressing the report because it was damaging to the Reagan Administration's efforts to quickly open the Refuge for oil exploitation. The draft report was completed last December, but Representative Miller was given only a short summary of the report at that time.

NAS and 22 other groups have filed a lawsuit in Seattle against the USFWS, claiming the agency acted arbitrarily in not placing the northern spotted owl on the federal endangered species list. The owl lives in old-growth (virgin) forests in northern California and the Pacific northwest. The lawsuit claims the government has not listed the bird as endangered for political and economic reasons. Placing the owl on the endangered list would curtail logging operations in the old-growth forests which are the essential habitat for the owl and many other species, according to the environmentalists.



BERKELEY LAW FOUNDATION

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The Berkeley Law Foundation (BLF) is an income-sharing organization of Boalt law students and faculty which provides funding to public interest law projects. BLF is an "attempt to institutionalize financial, moral and directional support for public interest work within the legal profession, thereby avoiding dependence on outside foundations or governmental largesse."

BLF is a nonprofit corporation governed by a seventeen-member Board of Directors elected directly by the membership. The Board includes attorneys in both public and private practice, community representatives and law school faculty members, as well as members of the Foundation.

Foundation grants are designed to provide subsistence support and start-up funding for recently-trained attorneys committed to public interest work. BLF also provides a summer grants program to help law students undertake summer projects under the auspices of a sponsoring public interest organization.

MAJOR PROJECTS:

Last fall, civil rights attorney Leonard Boudin, who taught at Boalt in 1976 and who inspired BLF founders to create the public interest law foundation, returned to UC Berkeley as a Regents' Lecturer. In addition to delivering a public lecture entitled "The United States and the World Court: Iran and Nicaragua," Boudin taught a class in constitutional and international litigation. In the class he discussed the roles of social reformer and political lawyer, drawing on his own involvement in pivotal civil rights litigation. A number of BLF members enrolled in the class and others were able to meet with Boudin at a reception hosted by the BLF student organization.

Karen Shryver, a 1986 Boalt graduate and grantee, has established a legal services office to assist inmates of the California Institute for Women and the California Rehabilitation Center. The incarcerated women face the usual problems of prison life—severe overcrowding, lack of adequate medical treatment, and arbitrary disciplinary procedures—as well as special difficulties involving child custody and visitation rights for those who are mothers. BLF reports that a large portion of Shryver's caseload has

centered on the alleged violation of prisoners' due process rights by the Board of Prison Terms, which has failed to conduct timely parole revocation hearings. Thus, prisoners remain incarcerated for alleged parole violations for months without determination of probable cause.

For imprisoned mothers, Shryver has argued against regulations proposed by the Department of Corrections which would severely restrict access to the state's Mother-Infant-Care program, which allows alternative community-based incarceration for women with small children. She has written a manual to educate pregnant inmates about their legal rights and to provide them with information about prenatal care, child placement options, and visitation.

CALIFORNIA CONSUMER AFFAIRS ASSOCIATION

*c/o Jody Anne Becker
Marin County Mediation Services
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Center
San Rafael, CA 94903
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California Consumer Affairs Association (CCAA) is a statewide affiliation of local consumer protection agencies. The Association was founded in 1974 to establish and facilitate an avenue of communication among agencies concerned with the protection of consumers. CCAA actively represents the interests of California consumers in legislative and regulatory arenas. It serves its members and the public by providing workshops, training sessions, and forums, and by preparing and publishing educational materials and legislative summaries. Member groups provide their constituencies with counseling, information, and informal mediation services when marketplace transactions result in disputes. Some member agencies act as small claims court advisors.

Membership in CCAA is open to federal, state, and local agencies which are primarily funded by the government, with a mandate of consumer protection and/or assistance. Nonprofit organizations devoted to consumerism may also be eligible for membership. In addition, CCAA membership includes representatives of federal, state, and local law enforcement entities. Association structure is divided into northern and southern California divisions. CCAA convenes annually to involve members in setting

goals and policies and to elect new officers. An executive committee composed of a vice president from each division and other CCAA officers ensures coordination.

MAJOR PROJECTS:

CCAA is following SB 2338 (Kopp), a rental property inspection bill. The legislation would require landlords and tenants to "walk through" a property before a rental agreement is signed, to reach common understanding on the condition of the living space and repairs which may be needed.

CCAA supports AB 3941 (Areias), which addresses fraudulent practices by travel promoters. The bill would require travel businesses to disclose to customers complete price information, including taxes, surcharges, and other previously hidden fees. Other bills being monitored by CCAA include AB 2057 (Tanner), which would affect warranties on new motor vehicles; and AB 1913 (Harris), which pertains to small claims court reforms. CCAA would like to see the small claims court monetary limit increased from the current \$1,500 to as much as \$2,500-\$5,000.

CCAA's Northern Division met on May 20 in San Jose to discuss issues and agenda items for its annual October meeting in Sacramento. The group held a workshop on problems with automobile lease contracts and purchasing, and also discussed various insurance initiatives which may appear on the November ballot. CCAA will take positions on some ballot initiatives at its October conference.

CALIFORNIA PUBLIC INTEREST RESEARCH GROUP

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CalPIRG is a nonprofit statewide organization founded and primarily staffed by students from several California universities. It is the largest student-funded organization of its kind in the state. There are CalPIRG chapters on four campuses of the University of California and at the private University of Santa Clara.

MAJOR PROJECTS:

Senate Bill 2767 (Petrus)—the Toxics Use Reduction Act—is CalPIRG's top legislative priority in 1988. The bill would require industry to inventory and plan for reduced toxics use; assist com-



panies which need technical assistance in toxics use reduction techniques (by creating grants for low-interest loans); require auditing of businesses' toxics reduction plans; phase out the most dangerous chemicals; and empower citizens to help enforce the law by independent monitoring and utilization of citizens' lawsuits. In addition, the sale of toxic chemicals would be taxed to fund the regulatory and toxics reduction assistance aspects of the legislation. Since last June, CalPIRG's chapters around the state have gathered over 75,000 letters and cards from citizens addressed to legislators calling for passage of SB 2767.

In March, CalPIRG's San Diego chapter released its 27th food price survey. These price surveys, which the San Diego chapter has compiled for fifteen years, have been cited by the *San Diego Tribune* as a leading force in spurring competition among supermarkets, and some of the large supermarket chains regularly use CalPIRG's survey results in advertising. CalPIRG's Los Angeles food price survey was released last September. For copies of either survey, interested consumers may send a self-addressed, stamped envelope to CalPIRG's Los Angeles office.

The San Diego price survey found that Food Basket (Lucky) had the lowest prices based on the list of items purchased; Vons came in second, with Ralph's and Big Bear in third and fourth place, respectively. Food Basket was the lowest last year, but Vons moved up this year from fourth place in 1987. Competition between the four major companies has intensified, with the overall price difference among them varying by only about 2%, as opposed to last year when there was an 8.1% difference. CalPIRG is concerned about Vons' purchase of southern California Safeway stores, and is warning consumers that competition will be diminished and prices will rise as a result of the takeover.

In April, San Diego CalPIRG released a check cashing survey, which outlines the basic services of eleven local check cashing facilities, and includes information on fees charged for cashing government payroll and assistance checks, personal checks, traveler's checks and income tax refunds, as well as the costs of money orders. The survey includes a description of other services offered by some facilities, including acceptance of utility bill payments, mailgrams, telegrams, money wiring, photocopying, postage, notary public, mailboxes, and keymaking. The survey is available through the San Diego office if con-

sumers send a self-addressed, stamped envelope to 2187 Ulric St., Suite B, San Diego, CA 92111.

Because of many real and potential abuses of consumers by check cashing companies, CalPIRG is monitoring legislation proposed by San Diego Assemblymember Pete Chacon. His AB 3977 would mandate uniform regulation of check cashing companies by the state Department of Corporations and would limit fees to 1% for government checks, and 1.5% of the face value for all other checks. The bill, which has been referred for interim legislative study, may be amended later to include fee disclosure requirements. According to CalPIRG, public hearings will be held on the bill this fall and it should be reintroduced in January 1989.

CALIFORNIANS AGAINST WASTE

909 12th St., Suite 201
Sacramento, CA 95814
(916) 443-5422

In 1977, Californians Against Waste (CAW) was formed to advocate for a recycling bill in the legislature which would require a minimum refundable deposit of five cents on beer and soft drink containers. After being repeatedly thwarted legislatively by well-financed industry opponents, CAW sponsored and organized a coalition for a statewide citizen initiative which appeared on the ballot in 1982 as Proposition 11. That measure failed after can and bottle manufacturers and their allies raised and spent \$6 million to defeat it. CAW worked for passage in 1986 of AB 2020 (Margolin), the "bottle bill" which in its final compromise form establishes a redemption value of one cent per container, with the amount increasing to three cents if specified recycling goals are not achieved. The bill requires recycling centers to be located within one-half mile of supermarkets with over \$2 million in annual sales.

MAJOR PROJECTS:

CAW's spring "action alert" sent to members and supporters notes that the *Los Angeles Times* recently referred to the state's solid waste crisis as "a trash time bomb." In its action alert, CAW suggests that citizens write to legislators in support of a number of bills which will divert recyclable materials out of the garbage "stream." CAW says this will help end the current "throwaway economy."

CAW suggests that citizens request the following in their letters to state legislators:

- The legislature should approve bills to establish local programs to recycle 35% of all solid waste; this amendment should be added to the following bills: AB 3662 (Cortese), AB 3298 (Killea), and AB 2877 (Calderon).

- Recycling programs should be administered by the Department of Conservation, and not the California Waste Management Board (which, according to CAW, does not favor recycling). Especially important in this matter are AB 3298 and AB 2877, which would establish curbside recycling throughout the state.

- The legislature should pass AB 3746 (Eastin), which would require the state to purchase products made from recycled materials when the quality of the products is at least equal to that of non-recycled products.

- The legislature should ban styrofoam and other nonrecyclable plastics, and require these materials to be recyclable and biodegradable if they are used (AB 3761 (Connelly, Hansen), AB 3645 (Peace), and AB 3004 (LaFollette) would accomplish this).

CAW warns that some stores are playing games with the section of the AB 2020 bottle bill which requires convenient recycling centers for the public. The group believes that some stores simply place small trash cans in remote areas of stores and call the cans "recycling centers." Customers who desire redemption value refunds for turning in containers must locate a clerk, find the garbage can area, have their containers counted, receive a refund tag, and then wait in line at the cashier to get their money.

CAW also accuses many stores of failing to comply with the section of AB 2020 which requires them to post the location and hours of the nearest recycling center. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 16 for details.) Recycling advocates are concerned that unless citizens help the state government enforce the bottle bill law, the entire effort is destined to fail. In California, more than twelve billion soft drink and beer bottles and cans per year could potentially be recycled.

CAW has asked the state Department of Conservation to impose the required \$100-per-day fine on these stores if they do not comply with the bottle bill to provide convenient recycling. CAW requests the aid of government and citizens in convincing the major grocery chains



to adopt a positive approach aimed at encouraging ten million California shoppers to recycle. Some stores have been helpful in giving away free samples of soft drinks when six empties are turned in. Another chain printed messages on grocery bags and flyers to alert shoppers to the available refunds for recycled containers. CAW asks consumers to complete a survey so that information may be compiled on recycling availability and convenience around the state. Copies of the CAW survey are available through CAW's Sacramento office.

CAMPAIGN CALIFORNIA

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In July 1986, the Campaign for Economic Democracy (founded in 1977) became Campaign California. The 25,000-member organization, with offices in Sacramento, San Jose, and San Francisco and headquarters in Santa Monica, continues as the largest progressive citizens action group in the state. Each office of the organization operates a door-to-door and telephone canvass, providing direct contact with voters regarding issues; facilitating fundraising and signature collection drives; and resulting in registration of new voters.

Campaign California supports efforts to frame workable, progressive solutions to problems in the areas of child care, education, environment, transportation, personal safety, insurance, and health care. It targets the private entrepreneur as a source of economic growth, jobs, and innovation.

MAJOR PROJECTS:

At this writing, Campaign California is preparing to join other proponents of Proposition 65, the 1986 Safe Drinking Water and Toxics Enforcement Act, in filing a lawsuit against Governor Deukmejian for failing to adhere to the letter and spirit of the initiative. Proposition 65's warning provisions took effect on February 27, but Campaign California and other citizen groups allege that the regulations issued by the administration thwart the intent of the initiative by granting windfall exemptions to industry, and that they fail to require "clear and reasonable" public warnings when toxic chemicals are present. Critics of the Governor argue that allowing establishments which sell products containing potentially carcinogenic chemicals to post a toll-free phone number from

which consumers must receive warning information—instead of requiring product-specific warnings on labels or store shelves—is inadequate implementation of Proposition 65. Backers of the initiative also decry the weakening of requirements for worker notification of hazardous chemicals in the workplace. (See *infra* LITIGATION for more information on the lawsuit.)

The Rancho Seco nuclear power plant near Sacramento has been allowed to restart by the federal Nuclear Regulatory Commission, and may reach 25% power by the June 7 primary election. At this writing, Campaign California and Sacramentans for Safe Energy are engaged in a heated campaign to close Rancho Seco with their citizens' initiative, designated "Measure B." A competing ballot measure allowing the plant to remain operating for at least eighteen months was placed on the ballot by the Board of Directors of Sacramento Municipal Utility District (SMUD), the public power agency which owns and operates Rancho Seco.

Campaign California says that over \$400 million has been spent in the past two years for repairs at the plant to enable its renewed operation. According to Campaign California, a plant worker was recently exposed to six times the allowable lifetime radiation exposure; an operator missed a test sequence and started up the wrong back-up diesel generator; a valve was left open, resulting in spillage of 1,100 gallons of low-level radioactive water; and an electrical fire occurred which damaged one-fourth of the circuit board controlling the plant's alarm and alert light system. (See CRLR Vol. 8, No. 2. (Spring 1988) p. 17 for background information on Rancho Seco.)

On May 2, Campaign California submitted more than 98,000 signatures as its contribution to the Tobacco Tax Initiative. The broad network of groups backing the initiative, known as the Coalition for a Healthy California, submitted 1,124,267 signatures around the state (see *supra* report on AMERICAN LUNG ASSOCIATION; see also CRLR Vol. 8, No. 1 (Winter 1988) p. 17 and Vol. 7, No. 4 (Fall 1987) p. 13 for details). Approximately 654,000 valid signatures are required to qualify an initiative measure for the California ballot. Campaign California's door-to-door canvass operation gathered the 98,000 signatures in less than sixty days and provided the final effort which put the initiative over the top in terms of its signature requirements.

On May 16, Campaign California

joined Los Angeles Mayor Tom Bradley and Assemblymember Tom Hayden at the City Hall signing of the interim sewer connection limitation ordinance, a measure first introduced by Bradley in conjunction with Assemblymember Hayden (see CRLR Vol. 8, No. 2 (Spring 1988) p. 17 for details). Campaign California believes the ordinance is a positive first step toward improvement of water quality in Santa Monica Bay and will significantly reduce the flow of effluent into the bay from the Hyperion treatment facility. If the city's efforts to limit sewage flow into the bay are not adequate with passage of the ordinance, Campaign California has announced it is prepared to take the issue to the voters in 1989 in the form of a citizens' initiative campaign.

CENTER FOR LAW IN THE PUBLIC INTEREST

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The Center for Law in the Public Interest (CLIP), a public interest law firm founded in 1971, employs nine attorneys in its California office. The Center's major focus is litigation in the areas of environmental protection, civil rights and liberties, corporate reform, arms control, communications and land use planning.

MAJOR PROJECTS:

CLIP believes that qualified women are consistently passed over for promotion at Texaco Refining and Marketing, Inc. (TRMI). CLIP claims that male-dominated networks in such industries informally trade information about job and promotional openings in the workforce; this tends to translate to a lockout in advancement opportunities for women employees and solidifies discriminatory promotion practices.

Three current and one former TRMI female employees have filed a sex discrimination class action against the company in hopes it will change its promotion system. In researching the case, CLIP staff attorney Bill Lee found that of approximately 3,500 TRMI employees, about one-third are women; of those, less than 5% hold jobs considered to be even on the lowest rung of supervisory or management levels. CLIP says it is notable that since its suit was filed last September, TRMI has opened several management slots to women.

At its annual awards banquet in February, the Sierra Club honored CLIP



co-director Carlyle Hall with a special award for service on behalf of the Los Angeles environment. The award recognized Hall's successful fifteen-year battles on behalf of the Sierra Club and others toward preservation of the Santa Monica Mountains and other urban parks of the city and county.

On June 16-17, CLIPI co-sponsored a conference on growth management issues, entitled "The Growth Controversy in California: Searching for Common Ground." The other sponsoring groups were UCLA and the California Association of Realtors. CLIPI is grateful to the Ahmanson Foundation and the Sidney Stern Memorial Trust for generous grants in support of the conference and for scholarships which allowed representatives from nonprofit organizations to attend.

Los Angeles has become the nation's homeless capital, according to the spring 1988 edition of CLIPI's newsletter, *Public Interest Briefs*. Last November, the City of Los Angeles took legal action to force the county to assume its state-imposed responsibility to provide public assistance for needy individuals. The city sued the county to gain court assistance in overhauling the county's general relief system. CLIPI has joined the city, expanding the litigation into a class action suit on behalf of homeless people.

CENTER FOR PUBLIC INTEREST LAW

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The Center for Public Interest Law (CPIL) was formed in 1980 after approval by the faculty of the University of San Diego School of Law. The faculty selected Robert C. Fellmeth, a law faculty professor, as the Center's director. CPIL is funded by the University and private foundation grants.

The Center is run by six staff members, including an attorney in San Francisco, and approximately forty law students. Students in the Center attend courses in regulated industries, administrative law, environmental law, and consumer law, and attend meetings and monitor activities of assigned agencies. Each student also contributes quarterly agency updates to the *California Regulatory Law Reporter*. After several months, the students choose clinic projects in-

volving active participation in rule-making, litigation, or writing.

The Center is attempting to make the regulatory functions of state government more efficient and more visible by serving as a public monitor of state regulatory agencies. The Center studies approximately sixty agencies, including most boards, commissions and departments with entry control, rate regulation, or related regulatory powers over businesses, trades, and professions.

MAJOR PROJECTS:

On April 1, Professor Fellmeth released the Second Progress Report of the State Bar Discipline Monitor (see CRLR Vol. 8, No. 2 (Spring 1988) pp. 18-19 and 124-26; Vol. 8, No. 1 (Winter 1988) pp. 23-24 and 108-10; and Vol. 7, No. 3 (Summer 1987) p. 1 for background information). The Bar Monitor noted that although the Bar has made several important administrative improvements to its disciplinary system, its resources in several areas (investigations and prosecutions) and the structure of the State Bar Court are still critically deficient. The Report also described SB 1498 (Presley), a comprehensive reform bill drafted largely by Fellmeth which contains approximately thirty statutory changes which will enhance the Bar's ability to detect and prosecute violations and restructure the State Bar Court; and AB 4391 (Brown), the Bar's 1989 dues bill, which contains a dues increase to finance the SB 1498 reforms. (See *infra* agency report on STATE BAR for further information.)

On April 18, both bills cleared the Assembly Judiciary Committee. On June 2, the full Assembly approved AB 4391 by a 61-3 vote; at this writing, SB 1498 awaits a June 15 hearing in the Assembly Ways and Means Committee. Both bills have received strong support by bar leaders and local bar associations; over twenty newspapers have editorialized in favor of the reform legislation and the accompanying dues increase.

In April, three Center interns intervened in the ongoing San Diego Gas and Electric (SDG&E) General Rate Case, which is currently pending before the Public Utilities Commission (PUC). Linda Tice, Bob Venberg, and Steve Lindsley challenged SDG&E's proposal to charge ratepayers who voluntarily or involuntarily disconnect their services for less than one year a \$15 reconnect fee, plus its usual \$4.80-per-month customer service charge for months during which service was disconnected and the customer received no service and no

bills. CPIL served its testimony on SDG&E on April 25. On April 27, SDG&E announced that it was withdrawing the proposal challenged by the students. Subsequently, and in response to strong public pressure, SDG&E also asked the PUC to rescind its monthly \$4.80 service charge (for more information, see *infra* report on UCAN).

Following the Center's Fourth District Court of Appeal victory in *Citizens for Public Accountability v. Desert Hospital District* (see CRLR Vol. 8, No. 2 (Spring 1988) p. 18 for background information), the California Supreme Court denied the district's petition for review on May 5. The court also decertified the Fourth District's opinion for publication. Shortly after the Supreme Court issued its opinion, Desert Hospital District announced that it would open its board meetings to the public.

The Center continues to monitor the Board of Medical Quality Assurance (BMQA) and its Faculty Council-in-Exile, the advisory panel required by SB 1358 (Royce), which has now favorably passed on the credentials of 25 of the Center's post-1975 Vietnamese medical graduate clients who are applying for licensure as California physicians. The Center's lawsuit against BMQA's Division of Licensing, *Le Bup Thi Dao v. BMQA*, remains pending in the discovery phase. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 18; Vol. 7, No. 4 (Fall 1987) p. 17; Vol. 7, No. 3 (Summer 1987) p. 37; and Vol. 7, No. 2 (Spring 1987) p. 1 for background information.)

COMMON CAUSE

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California Common Cause (CC) is a public affairs lobbying organization dedicated to obtaining a "more open, accountable and responsive government" and "decreasing the power of special interests to affect the legislature."

MAJOR PROJECTS:

On May 19, 27 Democratic legislators announced their support for Proposition 68, the Campaign Spending Limits Act which appeared on the June ballot (see CRLR Vol. 8, No. 2 (Spring 1988) pp. 1 and 19 for details). The 23 Assemblymembers and 4 Senators signed a statement which urged California voters to approve Proposition 68 and free the legislature from the pressure of ever-escalating, never-ending fundraising. At



this writing, no Republican legislator supports Proposition 68, but some Republican lawmakers are backing the rival campaign contribution limits initiative, Proposition 73 (see CRLR Vol. 8, No. 2 (Spring 1988) p. 1 for details). Proposition 68 is opposed by Governor Deukmejian, Assembly Speaker Willie Brown, Senate President pro Tempore David Roberti (both Democrats), and Republican legislative leaders Senator Ken Maddy and Assemblymember Pat Nolan.

During May, Attorney General John Van de Kamp was busy stumping the state in support of Proposition 68. Van de Kamp said the influence of campaign money is causing the failure of legislators to regulate special interests and pass needed reform bills in areas such as insurance. "On issue after issue, the process is frozen," he said. "Legislators cannot act because they are so dependent on huge contributions from those who would be affected by increased regulation."

Also endorsing Proposition 68 at a May 19 Santa Ana news conference was a coalition of southern California slow-growth organizations. The environmentalists said that limiting the funds contributed to legislators by wealthy real estate interests is essential to winning the battle to control development in their communities. A May 11-16 *Los Angeles Times* poll of voters likely to vote on June 7 favored Proposition 68 by a 2-1 margin—56% to 23%. The Proposition 68 campaign organization, Taxpayers to Limit Campaign Spending, was counting on receiving a contribution of at least \$100,000 from the political fund left by the late state Treasurer Jesse M. Unruh. Trustees of the fund met in mid-May and agreed to donate the initial \$100,000, and Proposition 68 organizers were discussing additional contributions when CRLR went to press. The Proposition 68 campaign was considering using the funds for radio and television advertising, fearing that opponents would launch a last-minute media spending blitz to defeat the measure.

In its 1988 poll of members on national issues, Common Cause found that 99% of respondents agreed that supporting improved ethics in government legislation should continue to be a priority. In April, national CC Chair Archibald Cox testified before a Senate subcommittee, strongly urging Congress to strengthen ethics standards. Cox made a series of specific recommendations which are backed by CC, including the following:

- Enhance comprehensive reform of the congressional campaign finance system;

- Strengthen the "revolving door" provisions of the Ethics in Government Act, by clearly establishing the periods during which members of Congress, their aides, and other high-level officials would be barred from lobbying;

- Reauthorize and strengthen the Office of Government Ethics, making it an independent agency and requiring it to review ethics violations involving political appointees;

- Ban honoraria for members of Congress;

- Tighten the rules regarding congressional travel and reimbursement; financial holdings by members of Congress; and use of campaign funds for non-campaign purposes; and

- Remove the grandfather clause which allows retiring members of Congress to convert surplus campaign funds to personal use.

Common Cause is fighting to ensure the House of Representatives' passage of meaningful and effective ethics legislation. A bill supported by CC—S. 237 (Levin, Metzenbaum, and Thurmond)—recently passed the Senate. It would restrict lobbying by former government officials, members of Congress, and members of their senior staffs. CC suggests its members contact their representatives, urging that they support legislation in the House similar to S. 237. At this writing, the House Judiciary Committee's Subcommittee on Administrative Law and Government Relations is drafting new ethics in government legislation.

CONSUMER ACTION

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San Francisco Consumer Action (CA) is a nonprofit consumer advocacy and education organization formed in 1971. Most of its 2,300 members are in northern California but significant growth has taken place in southern California over the past year. CA is a multi-issue group which since 1984 has focused its work in the banking and telecommunications industries.

CA has filed petitions with and appeared before the California Public Utilities Commission (PUC) in the field of telephone rates. Statewide pricing surveys are published periodically comparing the rates of equal-access long

distance companies and the prices of services offered by financial institutions. The purpose of the pricing surveys, which are released to the public, are to encourage consumers to comparison shop, to stimulate competition in the marketplace, and to compile data for use in advocating reforms. In 1986, more than 18,000 consumers requested survey information.

Once each year, CA publishes consumer service guides for the San Francisco Bay area and the Los Angeles area which list agencies and groups offering services to consumers and assisting with complaints. A free consumer complaint/information switchboard is provided by CA, and the group publishes a regular newsletter which includes the pricing surveys.

MAJOR PROJECTS:

For the first time since deregulation, long distance rate cuts have failed to benefit most consumers and overwhelmingly benefit business, according to a recent CA survey. Accurate to April 1, the survey features rates for 24 simple direct dial calls carried by nine long distance companies. Consumer Action reports that when the Federal Communications Commission (FCC) ordered AT&T to lower its interstate rates by about 3.5% on January 1, the company primarily lowered daytime rates, thus granting the greatest benefit to business customers. Other long distance carriers followed AT&T's lead when they lowered rates in March. Compared to CA's fall survey, interstate prices for daytime rates have decreased about 7%; evening rates have gone down about 2%; and night/weekend rates have decreased only 1%. CA notes that the cost of calls within states has changed very little since last fall. (See CRLR Vol. 7, No. 4 (Fall 1987) p. 19 for details on CA's fall survey.)

CA pointed out that major long distance companies have responded to AT&T's lead almost identically, remaining a penny or two under the big company; as a result, there is virtually no difference in rates now among the four largest long distance firms. CA asserts that the big companies are fighting for business customers—thus the reason for reduced daytime rates. CA is concerned that residential users are not benefitting from lower long distance rates and are increasingly paying higher local calling rates and access charges. CA recommends that consumers can still save money by comparison shopping in the areas of volume discounts and travel



feature calls.

In late March, CA accused two 976 prefix service providers of misleading those using the services in seeking home and apartment rentals. The service providers charge \$2 for each call which lists six rentals. CA claimed the tapes listing rentals did not inform callers of the \$2 charge. The message encourages callers to call again to obtain a different list of rentals, but callers are not informed that they may simply hear the same message again. CA called on the state Attorney General to investigate the companies, and asked the PUC to extend its 976 refund program to cover people who are misled by deceptive advertising or are otherwise taken advantage of by 976 service providers. The PUC rejected the suggestion to change its refund policy and said it has no authority to regulate 976 message content or advertising format.

In March, CA released its 1988 checking account survey, which describes accounts at 97 financial institutions around the state. Survey information is accurate as of January 15, and contains facts on more than 300 accounts at 31 banks, 49 savings and loan companies (S&Ls), and 17 credit unions. The survey reveals that banks and S&Ls are continuing to raise minimum balance requirements and fees. Fees for bounced checks range from \$5-\$15, and fees for returned deposits range from \$2-\$10. Most of the 80 banks and S&Ls offer at least one free checking account to senior citizens, and 11 have free accounts for disabled people or those who have government benefits deposited directly. Several institutions make at least one account available at no charge to all customers. Interest on checking accounts ranges from 3.9% to 6%. Some institutions provide brochures and other information in languages other than English. The survey is available to consumers who send a large, self-addressed envelope with 56 cents postage to CA's San Francisco office.

CA is affiliated with the Consumer Federation of America (CFA), which held its annual Consumer Assembly in Washington, D.C. last February. Speakers addressed a range of topics, including the deregulation of the airline, banking, natural gas, and telecommunications industries. U.S. District Court Judge Harold Greene, who continues to preside over the break-up of AT&T, spoke at the conference and warned that, in the absence of prudent regulation, monopoly power would re-emerge. Other continuing problems were discussed, including skyrocketing insurance rates, the under-

and noninsured, lack of affordable housing and the homeless crisis, product safety concerns, and toxic threats.

CFA released its annual review of the consumer voting records of members of Congress in February. The national consumer coalition tabulated votes on twelve Senate and fourteen House bills involving issues such as energy costs, financial services, health, housing, insurance, and product safety. Several members of California's delegation scored high marks in the survey. Representative Ron Dellums (D-Oakland) was the only California Congressman to score a perfect 100%. Others with high consumer voting records were Representatives Beilenson (D), Edwards (D), Matsui (D), Miller (D), Stark (D), and Waxman (D)—all at 93%.

Representative Nancy Pelosi (D) received 89%, and Representatives Bates (D), Berman (D), Roybal (D), and Torres (D) had marks of 86%. Representatives Anderson (D), Boxer (D), Coelho (D), Fazio (D), Lantos (D), Levine (D), Martinez (D), and Mineta (D) received 79%. In the Senate, Alan Cranston (D) received a rating of 75%, and Pete Wilson (R) scored 42%.

CONSUMERS UNION

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Consumers Union (CU), the largest consumer organization in the nation, is a consumer advocate on a wide range of issues in both federal and state forums. At the national level, Consumers Union publishes *Consumer Reports*. Historically, Consumers Union has been very active in California consumer issues.

MAJOR PROJECTS:

Consumers Union was joined by the Attorney General's Office and other consumer groups in testifying against SB 2592 (Dills) at a May 18 hearing before the Senate Insurance, Claims and Corporations Committee. The bill would drop state-mandated interest rate limits on the credit cards of retail stores, allowing the stores to charge any interest rate they choose. Current retail interest rates have been capped by state law at 18% on balances up to \$1,000, and 12% on higher amounts. The bill passed the committee on a six-to-one vote and moved on to the Senate Appropriations Committee.

CU blasted SB 2592 as an affront to consumers, particularly the poor and

elderly who tend to extensively use revolving credit accounts. CU Regional Executive Director Harry Snyder reported that experience in other states where retail interest rates have been deregulated promises California consumers an immediate interest rate hike of 3% if SB 2592 becomes law. According to Snyder, that could amount to \$150 million in higher charges during the first year alone. CU believes the best alternative to the bill is to base interest rates on the actual cost of borrowing. CU has vowed to organize statewide consumer opposition to defeat SB 2592. A representative of Attorney General John Van de Kamp testified there is no evidence that deregulated interest rates enhance competition. Van de Kamp has called SB 2592 one of this year's worst bills for consumers.

Lobbying intensively for SB 2592 at the hearing were large retail stores such as Sears, Bullocks Wilshire, Mervyns, May Co., J.W. Robinson's, I. Magnin, and Buffums. CU pointed out to the news media that the California Retailers Association's political action committee—the "California Retailers Good Government Council"—contributed over \$250,000 to legislators in 1987, a non-election year.

CU supports AB 3006 (Connelly), which will phase out the "collision damage waiver" optional fee charged by rental car agencies. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 131 for details on this bill.) The bill was drafted by the consumer law division of the Attorney General's Office. Auto rental companies persuade consumers to pay the collision damage waiver fee, leading them to believe it is "insurance". The cost of this unnecessary consumer charge is generally \$6-\$12 per day, on top of an agency's base rental rate. Assemblymember Connelly's office has firmly stated the collision damage waiver is *not* insurance, and consumers should refuse to accept the charge if they have their own auto insurance coverage. Most auto insurance policies cover accident damage to rental vehicles. Consumers are advised to check with their insurance company to be certain. From January 1, 1989 to July 1, 1990, AB 3006 would specifically limit the renter's liability and the amount a rental company could charge for a damage waiver, and would specify that a rental company shall not require the purchase of a damage waiver. Rental agencies would be required to fully disclose the cost of the damage waiver in advertising. Under AB 3006 the collision damage waiver fee would be eliminated completely by July 1, 1990, and con-



sumers would be liable only for the first \$200 in damages regardless of fault.

CU has endorsed the Insurance Reform and Consumer Protection Act initiative sponsored by ICAN (*see infra* update on ICAN for details on this initiative). For some time, CU has been involved in negotiations with the insurance industry, the California Trial Lawyers Association, and state Senator Alan Robbins (Chair of the Senate Insurance Committee) in an attempt to devise compromise insurance reform legislation as an alternative to the confusion which will be created with as many as five insurance initiatives potentially appearing on the November ballot. In mid-May, discussions between the parties broke down, but Senator Robbins and CU believe there may yet be a chance for a legislative option before the election. SB 912 (Robbins) is a skeleton bill which may be amended to include provisions acceptable to all parties, such as a modified no-fault proposal and a rollback in rates. A recent CU study of campaign contributions reported that Senator Robbins was the biggest recipient of insurance industry funds, having raised over \$146,000 from insurers from 1985-87. Senator Robbins has responded to this disclosure by announcing that he will accept no further contributions from the insurance industry or the trial lawyers groups until the issue is resolved.

ENVIRONMENTAL DEFENSE FUND

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The Environmental Defense Fund (EDF) was formed in 1967 by a group of Long Island scientists and naturalists concerned that DDT was poisoning the environment. EDF was a major force behind the 1972 federal ban of DDT.

Staffed by scientists, economists, and attorneys, EDF is now a national organization working to protect the environment and the public health. Through extensive scientific and economic research, EDF identifies and develops solutions to environmental problems. EDF currently concentrates on four areas of concern: energy, toxics, water resources and wildlife.

MAJOR PROJECTS:

EDF's International Project has helped enact legislation through the

Foreign Assistance and Related Programs Appropriations bill in Congress. The new legislation requires the U.S. Treasury Department and the U.S. Executive Director at the World Bank to explore and promote resource-saving programs such as "debt-for-conservation" exchanges. The financial mechanisms will enable developing nations to reduce portions of their foreign debts in exchange for local investments in conservation of tropical forests and other endangered resources.

EDF's April newsletter reports that recent privately-negotiated efforts have proven the debt-for-conservation concept possible. Using foundation funding, the Washington-based Conservation International purchased Bolivian government debt from a New York bank. In exchange for retirement of this debt by Conservation International, Bolivia agreed to preserve a significant tropical rain forest and to contribute \$250,000 in domestic currency toward its maintenance.

The EDF-drafted legislation brings into the equation the vast influence of international financial institutions such as the International Monetary Fund and the World Bank. These giant entities have the ability to engage in debt-for-resource exchanges on a global scale. EDF spokespersons believe that the developed world has a direct interest in helping the Third World write down its debt burden as a swap for saving tropical rain forests. EDF asserts that tropical forests serve all nations on earth by helping to maintain the carbon dioxide balance in the atmosphere, and are treasurehouses of current and future biological and medical discoveries.

The U.S. Environmental Protection Agency (EPA) recently began public hearings on proposals to implement the international accord reached in Montreal last fall to reduce the decline in the earth's ozone layer. (See CRLR Vol. 8, No. 1 (Winter 1988) p. 29 and Vol. 7, No. 4 (Fall 1987) p. 21 for background information.) Just prior to the hearings, scientists released new data indicating that stratospheric ozone may be deteriorating much faster than expected. EDF testified at the hearings in favor of effectively implementing the Montreal treaty by reducing the manufacture of chlorofluorocarbons (CFCs), and criticized EPA's proposed rules as inadequate. EDF said EPA's analysis is too limited and fails to account for the consequences of the newly-released satellite data. EDF's staff scientists insisted that the prudent course is to strengthen EPA's rules to ensure the replacement of all

damaging CFCs with safe substitutes.

EDF's economist also argued that EPA's proposals could retard the ultimate goal of ozone protection, namely the granting of EPA permits limiting CFC production by manufacturers. EDF advocates the alternative of government auctions of the permits as a means of stimulating research for CFC substitutes by raising CFC production costs. EDF says CFC permit auctions could help close the international trade deficit by spurring United States companies to take the lead in finding alternatives to CFCs.

FUND FOR ANIMALS

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Founded in 1967, the Fund works for wildlife conservation and to combat cruelty to animals locally, nationally, and internationally. Its motto is "we speak for those who can't." The Fund's activities include legislation, litigation, education, and confrontation. Its New York founder, Cleveland Amory, still serves without salary as president and chief executive officer.

MAJOR PROJECTS:

Fund for Animals urges its supporters to write letters of support or opposition to legislators on the following bills:

-AB 3025 (Allen), which is opposed by the Fund, would make it a misdemeanor to willfully interfere with shooting, hunting, fishing, or trapping. Those found guilty would pay the expenses of the sportspeople.

-Budget Bill Item #6440-301-525(1), also opposed by the Fund, would appropriate over \$12 million for a new underground animal laboratory at UC Berkeley. According to Fund for Animals, much of the new lab will be used for psychological research which is especially abusive and wasteful. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 21 for further details.)

-AB 2653 (Bates) would ban any veal calf enclosure which does not allow the calf to stand up, lie down, turn around, and groom itself. This bill, which the Fund supports, has passed the Assembly and is pending in the Senate.

-AB 3397 (Campbell) would require the Department of Fish and Game (DFG) to report to the legislature on the sale and trade of exotic birds, and set up an advisory committee to provide recommendations for the report. The Fund supports this bill.



-SB 2620 (Marks), which originally prohibited the use or sale of any type of steel-jawed trap, has been amended to authorize a study of the suitability of alternative, more humane traps. The Fund supports this bill.

-SB 2629 (McCorquodale) would require the DFG to submit a plan to the legislature on how the agency will meet the goal of increasing state wetlands by 50% by the year 2000. The Fund supports this bill.

In April, the state Fish and Game Commission (FGC) voted to allow the killing of up to 190 mountain lions in 1988. (See *infra* agency report on DEPARTMENT OF FISH AND GAME for further details.) Shortly after the vote, the Commission and the DFG filed a lawsuit in Sacramento Superior Court against the Mountain Lion Preservation Foundation. Animal protection groups assert that the action by the Commission and the Department is an attempt to remove the 1988 cougar hunting issue from the jurisdiction of San Francisco Superior Court Judge Lucy McCabe, who halted the lion hunt last year. In that lawsuit (brought by the Mountain Lion Preservation Foundation), Judge McCabe ruled that the FGC had not adequately examined the impact of the hunt on the cougar population or the environment.

If the FGC wins its suit, mountain lions will be legally hunted for the first time since 1972. (See CRLR Vol. 7, No. 3 (Summer 1987) p. 118 and Vol. 7, No. 2 (Spring 1987) pp. 92-93 for background information.) The legislature banned cougar hunting at that time, but the FGC regained authority over hunts in 1986 after the Governor vetoed legislation which would have extended the moratorium on hunting. At an April 8 FGC hearing, the Mountain Lion Coalition presented petitions containing over 100,000 signatures opposing the October hunt, and sixty people testified against allowing the killing of the big cats.

ICAN (INSURANCE CONSUMER ACTION NETWORK)

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The Insurance Consumer Action Network (ICAN), organized in January 1986, is a coalition of individuals and organizations committed to providing a consumer perspective to balance insurance industry lobbying, and to being

involved in the process which shapes and protects insurance consumers' rights and interests at state and national levels. Presently based in Los Angeles, ICAN affiliates include Common Cause, Consumers Union and Public Advocates; it is working to establish a presence in other states. ICAN/Legislate, a network of state legislators who are members of policy committees which consider insurance issues, is intended to offset the influence of a similar industry group and will develop public policy, conduct research, and draft model legislation in the interests of the insurance consumer.

MAJOR PROJECTS:

Supporters of ICAN's insurance reform initiative, the Insurance Reform and Consumer Protection Act, participated in news conferences on May 11, calling insurance a "game Californians just can't win." ICAN was joined at the Los Angeles, San Diego, and Sacramento events by state Attorney General John Van de Kamp and representatives from Consumers Union, California Common Cause, California Trial Lawyers Association, National Insurance Consumer Organization, local governments, senior citizens groups, and consumer and business communities. ICAN submitted 670,000 signatures to county registrars of voters on May 5. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 22 and Vol. 8, No. 1 (Winter 1988) pp. 27-28 for background information on ICAN's initiative.)

At the news conferences, ICAN asserted that its initiative would bring long overdue accountability to an industry which is currently not answerable to anyone. ICAN Executive Director Steven Miller said that excessive rates, unfair contracts, and abusive sales contracts are the rule rather than the exception, and all are a result of the industry's exemption from regulation. Attorney General Van de Kamp claimed ICAN's initiative would alleviate the high cost of auto insurance which good drivers are forced to pay to insure their vehicles. He said California is the last industrialized state in the nation which does not regulate insurance rates to protect consumers. Van de Kamp called for repeal of the industry's antitrust immunity, declaring that passage of ICAN's initiative would guarantee that and other vital reforms.

ICAN contends that, if qualified and passed in November, the Insurance Reform and Consumer Protection Act would guarantee an immediate 20% reduction in auto insurance premiums and additional future discounts for good drivers,

and would eliminate the insurance industry's arbitrary and unfair practices. Reckless or negligent drivers would be held accountable for accidents they cause, and injured and innocent accident victims would be able to receive full compensation for their injuries. ICAN believes its initiative would protect senior citizens from costly and unscrupulous health insurance abuses by regulating the sale of medigap and long-term care insurance as well as other senior policies. It would require insurers to pay a small fee from every policy they write for the costs of law enforcement's vigorous prosecution of fraudulent claims; and prohibit excessive rate increases in personal and commercial insurance lines including property, liability, homeowner, health, auto, and municipal insurance. The initiative would subject the insurance industry to antitrust laws and prohibit it from engaging in anticompetitive practices such as price-fixing and market allocation agreements; create a computerized information system to allow consumers to compare auto insurance rates and obtain a list of the six lowest rates for the consumer requesting the information; and allow banks to sell insurance, as is currently the practice in nineteen other states.

LEAGUE FOR COASTAL PROTECTION

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Created in 1981, the League for Coastal Protection (LCP) is a coalition of citizen organizations and individuals working to preserve California's coast. It is the only statewide organization concentrating all its efforts on protecting the coast. The League maintains a constant presence in Sacramento and monitors Coastal Commission hearings.

MAJOR PROJECTS:

On May 13, a federal judge approved an agreement by environmentalists, developers, and government agencies which will create a 273-acre wildlife refuge along San Diego Bay tidelands in the City of Chula Vista (see CRLR Vol. 7, No. 4 (Fall 1987) p. 23; Vol. 7, No. 3 (Summer 1987) p. 42; and Vol. 7, No. 2 (Spring 1987) p. 25 for background information). Under the accord, LCP and Sierra Club have agreed to drop two lawsuits (*Sierra Club v. California Coastal Commission* and *Sierra Club v. March*), and the landowner will turn the



marshland over to the U.S. Fish and Wildlife Service as a preserve to protect two endangered bird species. The land will be placed in escrow while the developer seeks permits from the U.S. Army Corps of Engineers to develop the remaining 100 acres it owns. If the Corps grants the permits, the marshland will be transferred to the federal government. The City of Chula Vista, which is not a party to the agreement and which has fought for fifteen years to build a hotel, marina, and convention center on the bayfront, announced on May 27 that it would not appeal the decision.

In late 1987, coastal preservationists commissioned a poll which found that 91% of Californians favor action to clean up the ocean. Encouraged by the results of the poll, coastal activists met several times and developed a package of bills they believe have a good chance of clearing the legislature this year. Major elements of the legislative package call for ocean clean-up, Coastal Commission reform, and an enhanced budget for the Commission.

One of the bills, SB 2691 (Hart), would authorize the state Water Resources Control Board (WRCB) to develop specific numerical water quality standards to curb pollution in the ocean, bays, and estuaries. LCP claims that the language of the Coastal Act and the policies of the WRCB are good, but too general; it believes that specific limits are needed on designated pollutants. Conservationists assert that tougher water quality standards will mean that many coastal communities will be required to improve their sewage treatment facilities, which will likely be financed by clean water bonds. If voters approve such bonds, industries which dump chemicals may have to pay the bill for the clean-up. AB 4479 (Hayden), a second ocean water cleansing measure, would grant the Coastal Commission authority to regulate the effects of the federal government's offshore oil drilling program, particularly with regard to air and water pollution and oil tanker traffic.

Another set of bills would be directed toward cleaning up the Coastal Commission itself. LCP points to opinion polls which show that the public is not impressed by the current commissioners. Coastal observers feel the conduct of some commissioners is the greatest single obstacle in convincing the public to favor an increase in the Commission's budget. One proposed bill, AB 4639 (Friedman), would ban ex parte communications with commissioners. Another measure, AB 4122 (Hayden), would have established

two-year terms for commissioners, who currently serve at the pleasure of the appointing body or individual. This bill failed to win passage out of the Assembly Natural Resources Committee in April.

Senator Dan McCorquodale has authored SB 2629, which would require the Department of Fish and Game to develop a statewide plan for increasing the total number of wetland acres in California by 50% by the year 2000. Assemblymember Dan Hauser has submitted AB 284 to protect state-owned tideland areas in Humboldt and Mendocino counties from oil exploration and leasing. These are the only coastal areas in the state which have not received such protection under current law in the form of a prohibition against leasing by the State Lands Commission. Coastal tidelands in the sanctuary and additional areas proposed in Assemblymember Hauser's bill would be protected from oil and gas development until January 1, 1995. The bill is strenuously opposed by oil companies.

NATURAL RESOURCES DEFENSE COUNCIL

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The Natural Resources Defense Council (NRDC) is a nonprofit environmental advocacy organization with a nationwide membership of more than 70,000 individuals, more than 13,000 of whom reside in California. Since 1972, NRDC's western office in San Francisco has been active on a wide range of California, western, and national environmental issues. Most of that work is now grouped under five subject-matter headings: public lands, coastal resources, pesticides, energy, and water supply. In these areas, NRDC lawyers and scientists work on behalf of underrepresented environmental quality interests before numerous state and federal forums. Public health concerns are increasingly a priority, in addition to conservation of nonrenewable resources and ecosystem preservation.

NRDC has been active in developing energy conservation alternatives to new power plants and offshore oil drilling, and resource-conserving land use policies in California's coastal counties and federally-managed lands. Notable recent achievements claimed by NRDC include leadership of coalitions which have developed broadly-supported federal legis-

lative initiatives on pesticide regulation and efficiency standards for household appliances.

Agricultural water supply and drainage issues are taking on growing importance with NRDC, including the widely-publicized contamination of the Kesterson Wildlife Refuge and the broader policy issues underlying that crisis. In California, NRDC appears frequently before the Coastal Commission, Energy Commission, and Public Utilities Commission. NRDC also maintains offices in New York and Washington, D.C.

MAJOR PROJECTS:

In a February 1988 editorial, the *Bulletin of the Atomic Scientists* praised NRDC for its \$3 million nuclear test site monitoring project, a cooperative venture with the Soviet Academy of Sciences. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 23 and Vol. 8, No. 1 (Winter 1988) p. 29 for background information.) The *Bulletin* cited the intermediate nuclear forces (INF) accord signed by President Reagan and General Secretary Gorbachev in December, and private efforts such as NRDC's project as indications that the dangerous momentum toward global nuclear destruction can be reversed. Soon after the signing of the INF treaty, the Reagan administration announced that negotiations on nuclear testing would resume. Test ban talks have been stalled since Reagan took office in 1981.

During the last few days of April, NRDC and Soviet scientists declared their nuclear test site monitoring experiments in Nevada a major success. Last fall, similar experiments using underground TNT explosions were conducted near the Soviet nuclear test site. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 23 for details.) NRDC and Soviet seismic experts believe the chemical explosion tests in both countries demonstrate that a nuclear test ban treaty can in fact be monitored and verified. The TNT explosions are much smaller than actual nuclear weapons blasts, and have been proven to be detectable on seismic equipment, according to NRDC. On April 28, the U.S. House of Representatives passed a bill calling for a ban on all nuclear explosions above one kiloton, or the equivalent of 1,000 tons of TNT, if the Soviet Union agrees to the same limit.

NRDC and the nuclear arms control community believe that only a comprehensive nuclear test ban treaty will end the development of new types of increasingly lethal weapons and halt the escala-



tion of the nuclear arms race. In phase two of its nuclear verification project, NRDC is calling on the U.S. and Soviet governments to halt production of plutonium (the raw material necessary for nuclear weapons) for two years. NRDC believes that a hiatus in plutonium production could place an immediate cap on the arms race, and allow Congress time to assess a proposal for construction of new plutonium-generating facilities which could cost U.S. taxpayers over \$25 billion.

On April 4, NRDC California released a tabulation of the voting of members of the California Coastal Commission. The survey showed that for the fourth consecutive year, the Commission's decisions were at odds with the environmental goals of the state Coastal Act at least one-third of the time. Pro-conservation voting record results improved from 38% in 1986 to 66% in 1987, but NRDC insists that Coastal Commissioners remain out of step with public opinion. The Commission voted to limit oil development in environmentally sensitive areas only 40% of the time, even though opinion polls reveal that 51% of Californians oppose expansion of oil exploration and development in the coastal zone.

NRDC said the Governor's four appointees to the Commission continue to reflect his antagonism toward Coastal Act policies, with their pro-conservation voting rates averaging 26%. The records of the four appointees of Assembly Speaker Willie Brown, Jr., range from two who vote pro-conservation 80% of the time, to two (Nathanson and Malcolm) who support coastal preservation less than 50% of the time. NRDC is pleased with three new appointments by Senate President pro Tempore David Roberti and his Rules Committee. The four Rules Committee appointees' pro-conservation votes now average 71%.

NETWORK PROJECT

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The Network Project (NP) is a non-profit, tax-deductible consumer research organization established in 1985 to monitor the impact of new technologies on consumers and the exercise of consumer rights in the marketplace. The project focuses on how high technology can be used to both protect consumers and enhance citizen participation in demo-

cratic institutions. The bimonthly newsletter *Network* provides subscribers with information on consumer issues, including articles on state and federal consumer-related activities. The *Consumer Alert* bulletin is published periodically to inform members of critical developments on consumer issues.

MAJOR PROJECTS:

Continuing in its effort to advise consumers of billing problems, errors, and fraud (see CRLR Vol. 8, No. 2 (Spring 1988) p. 23 and Vol. 8, No. 1 (Winter 1988) pp. 30-31 for background information), Network Project warns that telephone company billings are increasingly difficult to understand. Monthly service fees are generally broken down into equipment rental and line charges, but companies do not itemize usage of services such as extended local calling. This problem is compounded by divestiture since some long distance companies bill separately and others contract with local phone companies for billing services. Network Project says that poor audio and technical quality is common with some long distance companies, and suggests that consumers report the problem to the company immediately, make a notation of the time and date of the call, mark the call on the bill when it arrives, and refuse to pay for all such calls. Consumers may contact Network Project for more information on understanding telephone company billings.

With regard to gas and electric company bills, NP urges particular attention to "estimated meter readings," where the company simply extrapolates usage in prior months to determine the customer's current bill. This is a major form of billing abuse. Consumers should watch for other types of creative billing practices; for example, a Florida company billed for a period of 32 days rather than 30 or 31 days during peak usage times so the extra day would push the customer into the more expensive, second-tier rate level. Consumers should demand that utilities explain the details of each charge on a bill when there is a question. Some states have laws establishing a specific procedure for disputed billings. Consumers are also urged to watch for late payment charges or interest fees on erroneous charges. If the problem is frequent, consumers are advised to contact state utility officials or legislators.

PACIFIC LEGAL FOUNDATION

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The Pacific Legal Foundation (PLF) is a public interest law firm which supports free enterprise, private property rights, and individual freedom. PLF devotes most of its resources to litigation, presently participating in more than 100 cases in state and federal courts.

MAJOR PROJECTS:

On March 5, PLF marked its fifteenth anniversary. The group's first legal effort supported the U.S. Forest Service's brushland fire control program in California, and defeated a legal challenge to the program brought by the Sierra Club. Over the past fifteen years, PLF has supported pesticide spraying in northwest forests to kill the tussock moth, challenged welfare abuse in Chicago, helped outlaw the diamond lane experiment on Los Angeles freeways, supported landings by the Concorde supersonic aircraft in the United States, attacked rent control measures, fought controlled growth ordinances, and opposed compulsory association dues, racial preference quotas, and comparable worth theories.

On February 5, Governor Deukmejian announced the appointment of PLF attorney Robert K. Best as Director of the California Department of Transportation. Mr. Best is a former Chief Deputy Director of CalTrans, and has served as Deputy Director of PLF for the past twelve years.

In a petition filed with the California Supreme Court and referred to the First District Court of Appeal (*Smith v. California Coastal Commission*), PLF recently argued that the Coastal Commission is prohibited from exercising executive or judicial functions by the state constitution's separation of powers clause. Under the Coastal Act, the legislature appoints eight of the twelve commissioners, while the Governor appoints four. PLF believes that this legislative majority is empowered to execute only legislative powers, and that the Coastal Act, which grants executive, legislative and judicial powers to the Commission, thus violates the separation of powers clause.

The dispute in the case is over construction of a permanent seawall by Marin County beachfront homeowners. Citing the separation of powers clause, PLF challenges the Commission's jurisdiction to hear an appeal of the seawall permit granted by Marin County. The



county issued the permit after the decision last June by the U.S. Supreme Court in PLF's case, *Nollan v. California Coastal Commission*. In that case, the Court declared that requiring landowners to dedicate a portion of their property for public beach access in exchange for building permits is an unconstitutional taking of private property without just compensation. In *Smith*, PLF is asking the court to strike down the provisions of the Coastal Act which grant the Commission both executive power to rule on land use permits, and judicial power to review local government decisions on permit applications.

PLANNING AND CONSERVATION LEAGUE

909 12th St., Suite 203
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The Planning and Conservation League (PCL) is a nonprofit statewide alliance of several thousand citizens and more than 120 conservation organizations devoted to promoting sound environmental legislation in California. Located in Sacramento, PCL actively lobbies for legislation to preserve California's coast; to prevent dumping of toxic wastes into air, water, and land; to preserve wild and scenic rivers; and to protect open space and agricultural land.

PCL is the oldest environmental lobbying group in the state. Founded in 1965 by a group of citizens concerned about uncontrolled development throughout the state, PCL has fought for two decades to develop a body of resource-protective environmental law which will keep the state beautiful and productive.

PCL's promotional literature states that it has been active in every major environmental effort in California and a participant in the passage of several pieces of significant legislation, including the California Environmental Quality Act, the Coastal Protection Law, the act creating the Bay Conservation and Development Commission, the Lake Tahoe Compact Act, the Energy Commission Act, the Wild and Scenic Rivers Act, and laws which enhance the quality of urban environments.

PCL is supported by individual and group membership fees, with a current membership of more than 7,000 individuals. PCL established its nonprofit, tax-deductible PCL Foundation in 1971, which is supported by donations from individuals, other foundations, and gov-

ernment grants. The Foundation specializes in research and public education programs on a variety of natural resource issues. It has undertaken several major projects, including studies of the California coast, water quality, river recreation industries, energy pricing, land use, the state's environmental budget, and implementation of environmental policies.

MAJOR PROJECTS:

As CRLR went to press, PCL and the coalition of groups known as Californians for Parks and Wildlife had high hopes for voter passage on June 7 of Proposition 70, the California Wildlife, Coastal and Park Land Act (see CRLR Vol. 8, No. 1 (Winter 1988) p. 31 for details). By mid-May, the initiative campaign had been endorsed by dozens of environmental, civic, and business organizations, and scores of prominent leaders. The pro-Proposition 70 ballot argument in the voter handbook distributed by the Secretary of State was signed by U.S. Senators Alan Cranston and Pete Wilson, Lieutenant Governor Leo McCarthy, Attorney General John Van de Kamp, former President Gerald Ford, and the Chair of the Los Angeles County Board of Supervisors, Deane Dana. National Park Service Director William Penn Mott has also endorsed Proposition 70. Mott was a founding member of the PCL Board of Directors.

Major opposition to Proposition 70 includes the California Chamber of Commerce and the state Farm Bureau. However, local Chambers of Commerce endorsing the initiative include those in Sacramento, Riverside, San Diego, Santa Cruz, and Santa Rosa. Nearly half the members of the state legislature have endorsed Proposition 70, along with the Coastal Commission, the State Lands Commission, and all constitutional officers except Governor Deukmejian.

In January, more than 175 people attended PCL's fifth annual Environmental Symposium in Sacramento. Symposium workshops featured water, wildlife, toxics, and other topics. Guest speakers included Lieutenant Governor McCarthy, Assemblymember Byron Sher (PCL's 1987 Legislator of the Year), and former state Senator Peter Behr. A lively debate on the issues of waste disposal, incineration, and recycling highlighted the event. Another debate featured pro and con arguments on offshore oil development.

In late 1987, PCL cosponsored a televideo conference with the Real Estate Institute of Sacramento State University

on the effects of recent U.S. Supreme Court decisions on land use planning. Two videotapes of the conference and a handbook are now available through PCL for \$100 by calling 800-852-5336.

PUBLIC ADVOCATES

1535 Mission St.
San Francisco, CA 94103
(415) 431-7430

Public Advocates (PA) is a nonprofit public interest law firm concentrating on the areas of education, employment, health, housing, and consumer affairs. PA is committed to providing legal representation to the poor, racial minorities, the elderly, women, and other legally underrepresented groups. Since its founding in 1971, PA claims it has filed over 100 class action suits and represented more than 70 organizations, including the NAACP, the League of United Latin American Citizens, the National Organization for Women and the Gray Panthers.

MAJOR PROJECTS:

On April 27, the Public Utilities Commission (PUC) unanimously ratified an accord proposed by Public Advocates and agreed to by PA, the six major utility companies in the state, and the PUC staff, which will result in the award of 20% of contracts issued by the six utilities to minority- and women-owned businesses (see CRLR Vol. 8, No. 2 (Spring 1988) p. 25 for details).

On June 7, the PUC was scheduled to discuss Pacific Bell's proposal for the creation of a new, more sophisticated 976 service system using the "900" prefix. The system would allow selective blocking of 976 calls, so that customers could block calls to "dial-a-porn" services, but would allow calls to be completed to other 976 service providers. PA has not taken a position on the proposal, but questioned whether adequate consumer safeguards are contained in the proposal to prevent the type of abuse which has resulted from the current 976 system.

On May 12, the PUC announced appointments to the new five-member panel established to consider and award \$16.5 million in consumer education grants (see CRLR Vol. 8, No. 2 (Spring 1988) p. 25 for background information). The funds, derived from Pacific Bell shareholders, were recently deposited by the company into an interest-bearing trust fund, as ordered by the PUC. The order was a result of PacBell marketing fraud, and is in lieu of a general penalty.



The PUC determined that the funds would be disbursed at the rate of \$3 million per year for six years, and will be spent on proposals which will include, but not be limited to, mass media education, community outreach, and community education forums. The funds would be made available to consumer groups by the new panel for education of California telephone customers about new phone services, complex new rate structures, and the intricacies of telecommunications technology. PA praised the individuals selected to the disbursement committee and urged them to pay particular attention to educating low-income and minority customers of PacBell. The PUC said grants are not expected to be awarded until late this year, as it will take time to draw up proposal guidelines, send out requests for proposals to consumer groups, and evaluate the ideas submitted.

PA is an intervenor in the ongoing Pacific Bell General Rate Case. The company has proposed a significant telephone rate restructuring plan that would allow increased profits and flexibility in the pricing of some services while temporarily freezing residential rates at current or minimally higher levels. Business rates would rise under the plan. A PUC administrative law judge has responded with a proposal to allow a ten cent per month increase on residential rates, substantial business rate increases, and significantly lower long distance rates within California. PA represents six low-income/minority organizations in the proceeding. The group warned that it is premature to go forward with a restructuring of rates and a dramatic change in the relationship between the utilities, the Commission, and consumers without consideration of several factors which would protect consumers in the long term. PA proposed the imposition of six basic consumer safeguards in the case as a precondition to any major change or movement toward deregulation: an educated public; effective consumer input; innovative consumer protections; assurance that the phone companies will develop a strong fiduciary bond to customers; protection and expansion of basic services; and effective outside scrutiny to a greater degree than currently exists.

PUBLIC INTEREST CLEARINGHOUSE

200 McAllister St.
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The Public Interest Clearinghouse (PIC) is a resource and coordination center for public interest law and state-wide legal services. PIC is partially sponsored by four northern California law schools: Hastings School of Law, University of Santa Clara School of Law, Golden Gate Law School, and University of California at Davis School of Law.

Through the Legal Services Coordination Project, PIC serves as a general resource center for all legal services programs in California and other states in the Pacific region. Services include information on funding sources and regulations, administrative materials, and coordination of training programs.

The Public Interest Users Group (PUG) addresses the needs of computer users in the public interest legal community. Members include legal services programs in the western region of the United States, State Bar Trust Fund recipients, and other professionals in various stages of computerization. PUG coordinates training events and user group meetings, and serves as a clearinghouse for information shared by public interest attorneys.

PIC's bi-weekly "Public Interest Employment Service" lists positions for a variety of national, state, and local public interest organizations, including openings for attorneys, administrators, paralegals, and fundraisers.

PIC's public interest law program at the four sponsoring law schools helps prepare students to be effective advocates for the poor and other disadvantaged members of society. A project known as "PALS"—the Public Interest Attorney-Law Student Liaison Program—matches interested law students with practitioners in the field for informal discussions about the practice of law.

PIC's Academic Project promotes and facilitates the interaction of law school faculty and legal services attorneys in furtherance of law in the public interest. Faculty members assist practicing attorneys with legal services cases, and staff attorneys help faculty with research and course materials.

The Clearinghouse's quarterly newsletter, *Impact*, keeps the public interest community up-to-date on developments in litigation and legislation, and reports on activities of other public interest

advocates. PIC also publishes the *Directory of Bay Area Public Interest Organizations*, which lists over 600 groups and information on their services and fees.

PIC also publishes the *Public Interest Advocate*, a newsletter of its public interest law program. The newsletter prints information on part-time and summer positions available to law students. It is published August through May for law students in northern California. Listings are free and must be received by the 10th of the month.

MAJOR PROJECTS:

On March 11, the University of California at Davis School of Law faculty voted unanimously to offer PIC's public interest law program to King Hall students beginning in fall 1988. California Court of Appeal Justice Jerome A. Smith was the keynote speaker at a May 12 ceremony honoring University of Santa Clara School of Law public interest law program graduates, and Ramon Arias, Executive Director of the San Francisco Neighborhood Legal Assistance Foundation, was the featured speaker at a May 19 event honoring Golden Gate and Hastings program graduates.

Public interest law advocates around the state are supporting passage of AB 3955 (Friedman), which would provide for establishment of a \$245,000 fund to be administered by the Legal Services Section of the State Bar, which will be disbursed to ABA-accredited schools which apply for funds to create or administer an existing loan forgiveness program. Each school would design its own program. AB 3955 provides that graduates who work full time in a law-related position for an office which provides free legal services and who make less than \$30,000 per year would be eligible to have their undergraduate and law school loans forgiven in accordance with a schedule which, at minimum, would provide for 100% forgiveness after six years of public interest service. At this writing, the bill is pending in the Assembly Ways and Means Committee. The fund would cover loan program administrative costs only; each school must raise loan funds to disburse to eligible graduates.

The *1988 Directory of California/Nevada Legal Services Programs*, published by the Western Center on Law and Poverty, is available through PIC. It lists names and addresses, by county and program, of all attorneys working in legal services offices. The *Not Yet Comprehensive Directory of Public Inter-*



est Law Firms in the Greater Bay Area, listing firms by county and types of practice, will be available in August.

SIERRA CLUB

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The Sierra Club has 155,000 members in California and over 400,000 members nationally, and works actively on environmental and natural resource protection issues. The Club is directed by volunteer activists.

In California, Sierra Club has 13 chapters, some with staffed offices. Sierra Club maintains a legislative office in Sacramento to lobby on numerous state issues, including toxics and pesticides, air and water quality, parks, forests, land use, energy, coastal protection, water development, and wildlife. In addition to lobbying the state legislature, the Club monitors the activities of several state agencies: the Air Resources Board, Coastal Commission, Department of Health Services, Parks Department, and Resources Agency. The Sacramento office publishes three newsletters: *Legislative Agenda* (25 times per year); and *Toxics Insider* and *Coastal Insider* (each about four times per year). The Sierra Club Committee on Political Education (SCCOPE) is the Club's political action committee, which endorses candidates and organizes volunteer support in election campaigns.

The Sierra Club maintains national headquarters in San Francisco, and operates a legislative office in Washington, D.C., and regional offices in several cities including Oakland and Los Angeles.

MAJOR PROJECTS:

Assembly Bill 4097 (Connelly)—legislation designed to improve the state's pesticide residue monitoring program—passed the Assembly Environmental Safety and Toxic Materials Committee in April. Sierra Club energetically backs this bill. AB 4097 would require that tests be developed to check for residues of pesticides which are not now being widely checked, and would require an expanded program for testing residues in processed foods. At this writing, the bill is pending before the Assembly Agriculture Committee.

Sierra Club, Planning and Conservation League, League of California Cities, and the newly-formed Southern Califor-

nia Coalition for Responsible Controlled Growth lobbied intensely against AB 4678 (Chacon). The bill would have required preparation of an environmental impact report (EIR) on local ballot initiatives advocating slow growth after such measures are passed by voters. The measure would have required the EIR to be completed before the initiative could be implemented and could have delayed the effective date of such initiatives up to eighteen months, according to Sierra Club. Club spokespersons claim the measure was drafted by the Building Industry Association as a means to gain approval of large numbers of building permits during EIR preparation. Environmentalists insist that AB 4678 was an attack on the public's constitutional right to enact law through the initiative process. At a May 5 hearing of the Assembly Elections Committee, AB 4678 encountered bipartisan opposition, and amendments were adopted to remove all provisions requiring preparation of an EIR on a local ballot initiative. AB 4678 remains active, but Assemblymember Chacon assured the Committee that he would not attempt to reinstate the EIR proposal at a later date.

Backed by a coalition of environmental and business groups, Assemblymember Lloyd Connelly has launched a major effort to clean up Sacramento's air. Connelly's AB 4355 would create a consolidated air quality district for metropolitan Sacramento and Sacramento County. The bill would authorize inclusion in the district of the fast-growing counties of Yolo, Solano, and Placer if they choose to join. The bill would also empower the new air quality district to implement a regional air improvement strategy, strengthen controls on stationary sources, encourage ride sharing, increase the use of clean fuels, and authorize collection of fees to fund programs for reduction of pollution from vehicles. AB 4355 is modeled after SB 151 (Presley), landmark legislation passed last year which reorganized the South Coast Air Quality Management District.

Sierra Club also advocates passage of AB 3180 (Cortese), which would require a state government agency acting on an EIR to also adopt a monitoring program to ensure compliance with mitigation requirements. Sierra Club asserts that in many cases where mitigation is required for a development or other type of project, the mitigation has been unacceptably delayed or never implemented (e.g., dedicated wildlife habitat, intended to offset damage to the habitat during

construction of a freeway, bridge, or flood control channel, is destroyed and not replaced or substituted). The advance commitment to compliance monitoring required by AB 3180 should help establish checkpoints during the development process to guarantee the necessary mitigation, according to the bill's supporters.

TURN (TOWARD UTILITY RATE NORMALIZATION)

693 Mission St., 2nd Floor
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Toward Utility Rate Normalization (TURN) is a nonprofit advocacy group with about 40,000 members throughout California. About one-third of its membership resides in southern California. TURN represents its members, comprised of residential and small business consumers, in electrical, natural gas, and telephone utility rate proceedings before the Public Utilities Commission (PUC), the courts, and federal regulatory and administrative agencies. The group's staff also provides technical advice to individual legislators and legislative committees, occasionally taking positions on legislation. TURN has intervened in about 200 proceedings since its founding in 1973.

MAJOR PROJECTS:

In April, TURN filed two actions with the PUC to halt backbilling for long distance calls more than three months old. A complaint was filed against U.S. Sprint and its collection agent, Pacific Bell, attacking current practices of backbilling for calls up to seven months old. TURN also filed a complaint challenging PacBell policies which require the cut-off of service to customers who are unable or unwilling to pay backbills.

TURN says many customers have complained that they have been backbilled for uncompleted calls and for calls that were never placed. Further, PacBell is charging late payment fees and reconnection charges to customers who contest the old billings or are not able to pay the Sprint backbills. TURN asked the PUC to order (1) a discontinuance of backbilling beyond three months and disconnection of service for customers' old billings beyond 90 days for subscribers and 150 days for casual callers; (2) reconnection of all residential customer service terminated due to failure to pay backbills; and (3) correction and refund of all charges associated with



cut-off and reconnection of phone service due to inability or refusal to pay old long distance bills.

TURN has objected to a major new proposal by the Federal Communications Commission (FCC) which would allow AT&T and other long distance companies to earn unlimited profits in return for a cap on long distance rates. The plan will be considered by the FCC in August, and could take effect next April if approved by Congress. The FCC believes the proposal would result in a savings to consumers of up to \$1.6 billion in lower long distance phone bills over the next four years, and would help the telecommunications industry reduce costs and operate more efficiently. Consumer groups, including TURN, believe the plan is potentially harmful to residential and small business customers. TURN called the FCC plan outrageous; accused the major long distance companies of already making excessive profits; claimed that the plan would favor large users; and argued that only advances in technology help reduce rates, not unlimited profits for telephone companies.

On March 21, in *TURN v. PUC*, the California Supreme Court upheld an interim rate increase of \$388 million granted by the PUC to Pacific Gas & Electric (PG&E) for operation, maintenance, and investment costs related to the construction of its Diablo Canyon nuclear power facility (see CRLR Vol. 8, No. 1 (Winter 1988) p. 33 for details). TURN argued that the PUC should not have allowed a rate increase before there had been a full determination by the Commission as to the reasonableness of the total costs of construction of the two nuclear reactors. TURN said such interim rate increases have been allowed by the PUC only in cases of particular financial emergency. The consumer group argued that the \$388 million—an estimate of fuel cost savings and operating and maintenance costs which the PUC allowed PG&E to retain in an account—should be returned to ratepayers.

The Supreme Court agreed with the PUC's decision to grant the interim rate increase because the reasonableness-of-costs review was to be substantially delayed, and because PG&E had argued it needed the increase to maintain its cash flow and to hold down the costs of raising capital.

UCAN (UTILITY CONSUMERS' ACTION NETWORK)

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Utility Consumers' Action Network (UCAN) is a nonprofit advocacy group supported by 65,000 San Diego Gas and Electric Company (SDG&E) residential and small business ratepayers. UCAN focuses upon intervention before the California Public Utilities Commission (PUC) on issues which directly impact San Diego ratepayers.

UCAN was founded in 1983 after receiving permission from the Public Utilities Commission to place inserts in SDG&E billing packets. These inserts permitted UCAN to attract a large membership within one year. The insert privilege has been suspended as a result of a United States Supreme Court decision limiting the content of such inserts.

UCAN began its advocacy in 1984. It has intervened in SDG&E's 1985 General Rate Case; 1984, 1985, and 1986 Energy Cost Adjustment Clause proceedings; the San Onofre cost overrun hearings; and SDG&E's holding company application. UCAN also assists individual ratepayers with complaints against SDG&E and offers its informational resources to San Diegans. UCAN started preparing for its intervention in the triennial SDG&E General Rate Case during the last quarter of 1987. PUC hearings in the case commenced in March 1988.

MAJOR PROJECTS:

In May, UCAN entered into a partial settlement of the revenue requirements phase of the ongoing SDG&E General Rate Case. The settlement, signed by the PUC's Division of Ratepayer Advocates, the City of San Diego, and the Federal Executive Agencies, calls for a revenue requirement decrease of between \$46-\$72 million for fiscal year 1989. The parties additionally agreed to enhanced conservation efforts by SDG&E, with a penalty/incentive mechanism to ensure that SDG&E meets minimal conservation objectives. This mechanism is an experiment to encourage the utility to pursue cost-effective conservation and energy efficiency practices. UCAN and others have criticized SDG&E for an apathetic conservation record since 1985.

During the General Rate Case, SDG&E responded to public pressure and requested that the PUC repeal the \$4.80 monthly service charge which had been implemented by the Commission

on January 1. (See CRLR Vol. 8, No. 2 (Spring 1988) p. 27 for details.) Concurrent with the requested customer charge repeal, the utility asked that residential customers be granted an immediate \$30 million rate reduction. SDG&E also withdrew its proposal to impose a late charge on tardy residential payments, and its plan to charge for the mandatory telephone notification preceding disconnection of residential electric or gas service. Still pending before the Commission are disputes over rate design, depreciation methodology, and rate of return. The latter issue has been consolidated into a generic proceeding on rate of return for all utilities.

In April, UCAN proposed a \$58 million reduction in SDG&E's residential electric rates. UCAN justified the decrease in a 327-page report filed with the PUC. Under UCAN's proposal, the average residential electric bill would drop to \$37.86 per month (an approximate \$4 decrease). UCAN accused SDG&E of engaging in cost-plus purchasing procedures, inflating costs, allowing excessive executive expenses, and using sloppy calculations. The consumer group said the company could save millions annually by improving the efficiency of its purchasing methods, using outside contractors to install meters, reducing the number of middle-level managers, and raising overall employee productivity requirements. UCAN also criticized what it called a shift in the regulatory philosophy of the investigators, auditors, and engineers of the PUC toward a far less aggressive and tenacious oversight of SDG&E, and argued that the state regulators too often unquestioningly take the word of utility executives.

In its Spring/Summer 1988 *Watchdog* newsletter, UCAN examined SDG&E's political contributions to state politicians from the SDG&E service area, which covers San Diego County and portions of Orange and Imperial counties. UCAN claims that, over the past three years, SDG&E political action committees have contributed an average of over \$90,500 per year to candidates seeking state office. Included in the contributions were funds of over \$20,000 given to Governor Deukmejian. From 1985-87, the largest sum given in local state Senate races went to Senator Wadie Deddeh (D-Chula Vista) in the amount of \$2,750. Assemblymember Steve Peace (D-Rancho San Diego) received the highest amount given by SDG&E to local Assembly candidates (by more than double that received by any others): \$6,930.